

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1920 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

DAHIBEN PREMJBHAI VANKAR

Versus

VANKAR CHHAGANBHAI MOTIBHAI

Appearance:

MR JV JAPPEE for Petitioners
MR RK SOJANI for Respondent No. 1 & 2
None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/12/1999

ORAL JUDGEMENT

#. This civil revision application arises from Regular Civil Suit No.110 of 1994 which is pending in the court of Civil Judge (S.D.) Himmatnagar. The plaintiff-respondent No.1 and 2 filed the suit aforesaid

for declaration and permanent injunction against the defendants-petitioners in respect of disputed plots. Along with the suit, an application below ex.5 came to be filed wherein prayer has been made for grant of temporary injunction and accordingly, same was granted by the learned trial court under its order dated 23rd June 1994. The defendants-petitioners challenged that order by filing appeal which came to be dismissed under the order dated 21st August 1995 of District Judge, Himmatnagar. Hence this civil revision application.

#. This civil revision application was placed on the board for preliminary hearing on 10th October 1995, on which date this court ordered:

Notice returnable on 6th November 1995.

Ad-interim stay in terms of para 9(b) till then.

D.S. permitted with a liberty to the respondents to move the court for vacating the ad-interim relief.

Then on 6th November 1995, the earlier order was modified and both the parties were directed to maintain status-quo with respect to the property in dispute.

#. It is a case where the plaintiffs-respondents have come up with the case that disputed plots were purchased by them in open auction from the Gram Panchayat whereas the defendants-petitioners have come up with the case that this property is their which they got in partition. It is the case of plaintiffs-respondents that earlier, the petitioners made claim for these plots on the basis that they have already applied for allotment of the same.

#. In view of these facts, it would have been proper where both the parties are directed to maintain status-quo as what it has been done by this court on 6.11.95. The suit is of the year 1994 and priority in disposal of it can also be given. Interest of justice will be met in case interim relief which has been granted by this court on 6.11.95 shall remain in force till decision of the civil suit. The learned trial court is directed to decide the civil suit within a period of one year from the date of receipt of writ of this order or certified copy thereof, whichever is earlier. Rule and civil revision application stand disposed of accordingly with no order as to costs.

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[sunil]

